IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1991 OF 2006
IN
WRIT PETITION NO.208 OF 1998

Shri Narayan Tukaram
Agre & Anr. .. Applicants.
Vs.
Shri Vinayak Narayan
Naik & Ors. .. Respondents.

Mrs.S.A.Mudbidri for the applicants.
Mr.S.V.Dhakepalkar i/b P.K.Dhakepalkar for respondent no.1.
Ms.Yasmin Desai for respondent nos.2, 2A to 2G.

CORAM : D.B.BHOSALE, J.

DATED : 17TH AUGUST, 2006

P.C.:

. Heard learned counsel for the applicants and the respondents.

2. By this application, the applicants have prayed for restoration of possession of the suit premises which was obtained by the respondent-landlord on 3rd July, 2006. In the main writ petition, the interim relief was passed. However, the writ petition itself came to be dismissed for default on 22nd March, 2006 and then it was restored on file on 21st July, 2006. It appears that between 22nd March, 2006 and 21st July, 2006 the execution proceedings were prosecuted by the respondent-landlord and possession

was restored on 3rd July, 2006. Mr.Dhakepalkar, learned counsel for the respondent-landlord submits that he shall not create third party right in respect of suit premises and shall keep it vacant till the disposal of writ petition. The statement is accepted. In view thereof the prayer in the instant application need not be considered at this stage. Civil application is, accordingly, disposed of. It is open for the applicant to collect her articles and belongings required by him which are still lying in the room without prejudice to the rights and contentions within two weeks from today after giving prior intimation to respondent no.1. Rest of the articles shall remain in the suit premises till the disposal of the writ petition. Respondent No.1 shall be entitled to take receipt of delivery of the articles and belongings whichever applicants choose to collect from the premises and shall not insist for any other writing from the applicants.

(D.B.Bhosale, J.)